

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **2:16-bk-11336**

Judge **SLM**

Lee, Kenneth R. III & Lee, Marisol

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **November 14, 2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **SDP**

Initial Debtor: **KRL**

Initial Co-Debtor: **ML**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$322.12 per month to the Chapter 13 Trustee, starting on September 1, 2018 for approximately 29 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
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- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [X] NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim

shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Ally Financial
Lexus Financial Services
BSI Financial/WilmingtonSavings

g. Secured Claims to Be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*
 Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Ally Financial	Zero	Auto Lease	Assume	\$447.37

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [X] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 11/13/18

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
Loan Modification Was Approved & Resolving Trustee Concerns.	Removed curing of mortgage arrears and included Debtors to remain current, reduced monthly payment, unsecured creditors to receive pro-rata distribution, assumed auto lease and extended term to 29 months.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: November 13, 2018

/s/ Kenneth R. Lee, III

Debtor

Date: November 13, 2018

/s/ Marisol Lee

Joint Debtor

Date: November 13, 2018

/s/ Steven D. Pertuz

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Kenneth R. Lee, III
 Marisol Lee
 Debtors

Case No. 16-11336-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Nov 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2018.

db/jdb
 aty
 cr
 515963800
 515963802
 515963803
 515963801
 516053013
 515963806
 517018645
 517018646
 515963807
 516008221
 516008650
 516195570
 517163449

Kenneth R. Lee, III, Marisol Lee, 306 Edwards Rd, Parsippany, NJ 07054-2207
 +Kevin McDonald, 216 Haddon Ave., Ste. 406, Westmont, NJ 08108-2812
 +Ventures Trust 2013-I-H-R by MCM Capital Partners, 7500 Old Georgetown Road, Suite 1350, Bethesda, MD 20814-6240
 Atlantic Credit & Finance, LLC, Special Finance Unit c/o Morgan Bornstei, 1236 Brace Rd Ste K, Cherry Hill, NJ 08034-3229
 BSI Financial Services, 314 S Franklin St, Titusville, PA 16354-2168
 BSI Financial Services, Attn: Qualified Written Requests, 1425 Greenway Dr Ste 400, Irving, TX 75038-2480
 Bank of America Home Mortgage, 100 N Tryon St, Charlotte, NC 28202-4000
 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 Chase Bank, Cardmember Services, PO Box 15298, Wilmington, DE 19885-0004
 +Fay Servicing, LLC, 3000 Kellway Dr., Ste 150, Carrollton, TX 75006-3357
 +Fay Servicing, LLC, 3000 Kellway Dr., Ste 150, Carrollton, TX 75006, Fay Servicing, LLC, 3000 Kellway Dr. 75006-3357
 Kivitz McKeever Lee PC, 701 Market St Ste 5000, Philadelphia, PA 19106-1541
 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Lexus Financial Services, PO Box 9490, Cedar Rapids, IA 52409-9490)
 +Toyota Motor Credit Corporation (See 410), P.O. Box 9013, Addison, Texas 75001-9013
 +Ventures Trust 2013-I-H-R, by MCM Capital Partners, 7500 Old Georgetown Road, Suite 13530, Bethesda, MD 20814-6133
 +Wilmington Savings Fund Society, FSB,, Fay Servicing, LLC, 3000 Kellway Dr. Ste 150, Carrollton, TX 75006-3357

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534 U.S. Attorney, 970 Broad St.,
 smg
 +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Nov 15 2018 01:45:28 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr
 +E-mail/PDF: gecsedirecoverycorp.com Nov 15 2018 01:49:27 Synchrony Bank,
 c/o Recovery Mgmt. Sys., 25 SE 2nd Ave., Ste. 1120, Miami, FL 33131-1605
 515963799
 E-mail/Text: legal@arsnational.com Nov 15 2018 01:44:50 ARS National Services, Inc.,
 PO Box 469046, Escondido, CA 92046-9046
 516008210
 E-mail/Text: ally@ebn.phinsolutions.com Nov 15 2018 01:44:14 Ally Financial,
 PO Box 380901, Bloomington, MN 55438-0901
 516019815
 E-mail/Text: ally@ebn.phinsolutions.com Nov 15 2018 01:44:14 Ally Financial Lease Trust,
 PO Box 130424, Roseville, MN 55113-0004
 515963805
 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 01:50:11 Capital One Bank,
 PO Box 85520, Richmond, VA 23285-5520
 515963804
 E-mail/Text: cms-bk@cms-collect.com Nov 15 2018 01:44:49 Capital Management Services, LP,
 698 1/2 S Ogden St, Buffalo, NY 14206-2317
 516177406
 +E-mail/Text: bncmail@w-legal.com Nov 15 2018 01:45:43 Cerastes, LLC,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 516008219
 E-mail/Text: mrdiscen@discover.com Nov 15 2018 01:44:16 Discover Bank, PO Box 30943,
 Salt Lake City, UT 84130-0943
 516007480
 E-mail/Text: mrdiscen@discover.com Nov 15 2018 01:44:16 Discover Bank,
 Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025
 516041176
 E-mail/PDF: gecsedirecoverycorp.com Nov 15 2018 01:49:27 Synchrony Bank,
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516008211* ARS National Services, Inc., PO Box 469046, Escondido, CA 92046-9046
 516008212* Atlantic Credit & Finance, LLC, Special Finance Unit c/o Morgan Bornstei,
 1236 Brace Rd Ste K, Cherry Hill, NJ 08034-3229
 516008215* BSI Financial Services, 314 S Franklin St, Titusville, PA 16354-2168
 516008214* BSI Financial Services, Attn: Qualified Written Requests, 1425 Greenway Dr Ste 400,
 Irving, TX 75038-2480
 516008213* Bank of America Home Mortgage, 100 N Tryon St, Charlotte, NC 28202-4000
 516008217* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank, PO Box 85520, Richmond, VA 23285-5520)
 516008216* Capital Management Services, LP, 698 1/2 S Ogden St, Buffalo, NY 14206-2317
 516008218* Chase Bank, Cardmember Services, PO Box 15298, Wilmington, DE 19885-0004
 516008220* Kivitz McKeever Lee PC, 701 Market St Ste 5000, Philadelphia, PA 19106-1541
 517163450* +Wilmington Savings Fund Society, FSB,, Fay Servicing, LLC, 3000 Kellway Dr. Ste 150,
 Carrollton, TX 75006-3357

TOTALS: 0, * 10, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0312-2

User: admin
Form ID: pdf901

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Total Noticed: 28

Date Rcvd: Nov 14, 2018

***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 13, 2018 at the address(es) listed below:

Charles H. Jeanfreau on behalf of Creditor Ventures Trust 2013 I-H-R by MCM Capital Partners, LLC its Trustee Charlesj@w-legal.com, BNCmail@w-legal.com
Denise E. Carlon on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust kmcdonald@blankrome.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Steven D. Pertuz on behalf of Joint Debtor Marisol Lee pertuzlaw@verizon.net, G16461@notify.cincompass.com
Steven D. Pertuz on behalf of Debtor Kenneth R. Lee, III pertuzlaw@verizon.net, G16461@notify.cincompass.com

TOTAL: 6